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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE Mr. JUSTICE H.L. DATTU

WRIT PETITION No. 170/1993.

BETWEEN:

Mrs. Nalini Aravindam
major, TGT, Kendriya
Vidyalaya, No. 1,
Jalahalli,
Bangalore - 15.

... PETITIONER

(By Sri H.S. Jois, Adv.)

AND :

1. Kendriya Vidyalaya San-
ghatan, Industrial Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016,
rep. by its Administrative
Officer.
2. The Accounts Officer cum
Inspecting Officer,
Hyderabad Region,
Kendriya Vidyalaya
Sanghatan, B-7,
Vikrampur, Secunderabad - 3 (A.P.).
3. The Asst. Commissioner
Kendriya Vidyalaya San-
ghatan, Hyderabad Region,
B.7, Vikrampur,
Secunderabad-3.
4. The Deputy Commissioner
(Fin) Kendriya Vidyalaya
Sanghatan, No.18, Insti-
tutional Area, Shaheed Jeet
Singh Marg, New Delhi-16. ... RESPONDENTS

(By Sri V. Mukund Menon, CGSC)

This writ petition is filed under Article
226 of the Constitution of India with a prayer to

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call for records regarding annexures A, B and N and etc.

This writ petition coming on for hearing this day, the Court made the following;

O R D E R

Petitioner is now retired from service. Formerly she was working as a Trained Graduate Teacher in the Kendriya Vidyalaya Sanghatana, New Delhi. Petitioner is before this Court being aggrieved by the orders made by the respondents dated 30.07.1992, 07.07.1992 and 17.11.1992. In all these orders what has been done by the respondents was to re-fix the salary of the petitioner and in that process have reduced the earlier pay scale that was drawn by her. Learned counsel appearing for the petitioner contends before this Court that while re-fixing the salary of the petitioner respondents could not have reduced the salary drawn by her without a notice and without affording an opportunity of hearing. This contention of the learned counsel appearing for the petitioner is seriously opposed by the learned counsel appearing for the respondents. In fact learned counsel appearing for the respondents goes to the extent of saying that in a case of this nature the question of issuing a notice and affording an opportunity of hearing to the

11

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aggrieved person does not arise at all.

I fail to understand the logic behind the statement of the learned counsel appearing for the ~~respondent~~ ^{respondent} ~~petitioner~~.

Here is a case where petitioner was drawing a particular salary which had been refixed by the respondents themselves. While refixing the salary of the petitioner the respondents intend to reduce the salary. It is a case where the person gets a right in the salary and that right can be taken away from the person concerned only after a notice and after affording an opportunity of hearing since it involves ^{civil ill} ~~serious~~ consequences. Otherwise the action of the respondents can be characterised as arbitrary and opposed to rules of natural justice.

In that view of the matter, impugned orders dated 30.07.1992, 07.07.1992 and 17.11.1992 are quashed reserving liberty to the respondents to pass appropriate orders after a notice and after affording an opportunity of hearing to the petitioner. Ordered accordingly

Sd/-
JUDGE

LRS/WP170.93/060698.

